

**City of Milpitas**  
**Unapproved Minutes**  
**Telecommunications Commission**  
**October 20, 2003**

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**I. Call to Order & Roll Call:**

Chair Alcorn called the meeting to order.

Members Present: A. Alcorn, N. Gupta, W. Lam; R. Gopalaraa, G. Ali-Santosa, P. Peterson, V. Mathur

I.S. Staff: B. Marion, E. Pasion

City Council: A. Gomez

Members Absent: D. Gupta, A. Ettinger, P. Gupta, I. Munir

**II. Pledge of Allegiance:**

The Commission recited The Pledge of Allegiance.

**III. Announcements:**

Staff reported

**IV. Approval of the Agenda:**

Motion to approve the agenda as submitted.

M/S      N. Gupta/R. Gopalarao                      Ayes:    7

**V. Approval of the Minutes  
September 15, 2003**

Motion to approved the minutes as submitted.

M/S      N. Gupta/R. Gopalarao                      Ayes:    7

**VI. Citizen's Forum**

Milpitas resident Rob Means asked the Commission to consider investigating the potential uses of Wi-Fi communications technology. Mr. Means suggested that this technology be considered for use in the Milpitas community to provide an alternative to the corporate telecommunications companies.

On another matter, Mr. Means requested to have an item added to a future agenda regarding personal rapid transit system in the Milpitas community. He would work with Chair Alcorn to have this discussion item on a future meeting agenda.

**VII. Continued-New Business:**

**1. Metro PCS Installation.**

Kim Duncan from the city's planning department provided a summary of the Metro PCS antenna installation being requested on the rooftop of the Embassy Suites Hotel on East Calaveras Boulevard. Representatives from Metro PCS were present.

The Commissioners reviewed the project and reiterated the requested to have proper warning placards to be placed at the

fire control point and contact information involving this installation.

Commissioner Gopalarao asked if other locations were considered along with the proposed site. Chair Alcorn thought that there were existing antennas on the rooftop.

Staff noted that Metro PCS had researched locations numerous locations in Milpitas for this project. Staff also added several telecommunications projects have been approved by the Commission in the past; however, neither of those projects followed through on the installation.

Motion to approval the project with the aforementioned conditions of proper radiation placard warnings.

M/S N. Gupta/R. Gopalarao Ayes: 7

## 2. Cable Franchise Updates

Milpitas Information Services Director Bill Marion provided a summary of current activities involving the cable television franchise with Comcast cable.

Mr. Marion reported to the Commission the following items of completion involving the cable television franchise: review of the franchise documents and ordinance; development of survey; technical review; public hearings; telephone survey; web survey and completion of the draft franchise document. Staff is currently working on the MUSD requirements documents for operating its future cable channel; review and completion of the fee desk audit which the city has received a draft copy and review and completion of the public access requirements. The outstanding items are the cable franchise negotiations and the adoption of the franchise.

Commissioner Paul Peterson noted that the school district was still evaluating the various locations on the school district campus to accommodate a facility. Work is in progress to finalize the potential cost of operating a public access channel.

Staff reiterated that the public access cable channel facility would be a basic studio with the ability to record and play-back video presentations. Additionally, the studio would be conveniently located for the public. The PEG operations would also be fund through a grant to assist in ongoing cost of operations. The Commission would also have a role in the development of the guidelines and use of the public access channel along with oversight of programming development as well as seeking volunteers to operate the cable television channel.

Chair Alcorn asked if the studio would have live broadcast capabilities. Staff noted that it would be able to replay videos from the beginning and would gradually be able to do more live productions in the future.

Mr. Marion reported that the city would be seeking an additional six month extension to the franchise in order to complete the audit and negotiations with Comcast. In doing so, this would preserve the City's rights in the review of the cable franchise.

Commissioner Mathur added that the cable rates would be on the raise. Staff noted that rate regulation is very limited per FCC doctrine. However, staff would be looking at those items.

On the matter of recent developments cable franchise authorities found that the Ninth Circuit Court ruled that cable providers selling internet services are not covered under the cable franchise rules and regulation. This would result in changes in the way franchise revenue is reported to local franchise holders.

Comcast and the City of San Jose filed a denial of franchise. The courts found the San Jose was correct in its filing and it now in the process of proceeding with it cable franchise negotiations. San Jose is currently in its sixth year of franchise negotiations.

Staff is watching the changes closely as it may apply to the Milpitas cable television franchise.

Motion to note receipt and file.

M/S N. Gupta/R. Gopalarao Ayes: 7

### 3. September '03 Monthly I.S. Report

Milpitas Information Services Director Bill Marion provided a summary of activities during the month of September in the Information Services department.

He reported that Colliers International commercial property real estate web site was operational on the city's web site; city web site hits; increasing of the city's internet web traffic bandwidth for greater speed access; nearing completion of the fourth floor construction work; completing the video conferencing system for the Milpitas fire department; recommendation of the new police and fire dispatch computer aided dispatch system installation to be completed within a year's time; implementing a new aerial photograph of Milpitas for the GIS mapping project; work on the voice and data for the temporary senior center and finally, the purchase of a portable assistive listening device for the first floor committee conference room.

Commissioner Lam asked of the public access to the recently completed fourth floor of city hall. Staff noted it was working with the elevator company to configure security access features to the fourth floor during normal business hours.

Vice Chair N. Gupta added that at a recent CEPAC meeting the Milpitas Unified School District was currently using the cable channel. Staff reported that along with its live broadcast of school board meetings the school district has produced a video tape which is being shown on cable channel 15. The video is originating from the school district video room.

Motion to note receipt and file.

M/S N. Gupta/R. Gopalarao

Ayes: 7

4. Round Table Discussion.

No comments were made for the record.

**VIII. Adjournment of Meeting**

The Commission adjourned its meeting to Monday, November 17, 2003.

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